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DNA Collection from Immigrant Children by U.S. CBP: History, Ethics, and Global Context

Introduction:
A May 31, 2025 *Guardian* report revealed a dramatic expansion in U.S. government collection of DNA from migrants – **including children** – at the border [1]. U.S. Customs and Border Protection (CBP) is uploading these DNA profiles to the FBI's national criminal database (CODIS) even though most affected migrants are not charged with crimes [2]. In the past three years, CBP-added DNA profiles in CODIS surged by **5,000%**, with over **1.5 million** samples collected since 2020 [3]. This includes more than **133,000 minors** (some as young as **4 years old**) whose genetic data now resides in a system originally built for violent offenders [4] [5]. This report provides a deep dive into how this practice evolved, its legal/ethical implications, domestic reactions, and how it compares to policies in other countries.

Illustration: U.S. Customs and Border Protection agents have collected DNA from migrant children as young as four, storing their profiles in an FBI criminal database [6] [5].

1. Historical Evolution of U.S. DNA Collection Policies (CBP and ICE)

Early DNA Databases and Laws: The United States pioneered forensic DNA databases in the 1990s for criminal investigations. In 1994 the FBI launched CODIS (Combined DNA Index System) to store DNA profiles of convicted offenders; subsequent laws expanded collection to some arrestees. The **DNA Fingerprint Act of 2005** marked a key shift – it authorized federal authorities to collect DNA from individuals **arrested, facing charges, or detained**, including non-U.S. persons in immigration custody [7]. However, for years the Department of Homeland Security (DHS) (which includes CBP and Immigration and Customs Enforcement, ICE) did **not fully implement** DNA collection for immigration detainees, citing resource and operational constraints [8] [9]. A regulatory exemption allowed DHS to **opt out** of collecting DNA from civil immigration detainees, meaning that through the 2010s, most immigrants in custody were not swabbed for DNA [10] [11]. DNA collection remained focused on convicted criminals or those arrested for serious offenses.

Policy Changes Under Trump: In 2019, the Trump administration moved to end DHS's exemption and dramatically expand DNA collection of migrants. An October 2019 DOJ proposed rule (finalized in March 2020) **eliminated DHS's discretion** to exempt noncitizens, mandating that DHS agencies collect DNA from anyone in their custody who is **subject to fingerprinting** [12]. This regulatory change (effective April 8, 2020) aligned with the 2005 law and gave CBP and ICE a three-year timeline to fully comply [13] [12]. In response, CBP launched pilot programs in early 2020 and ramped up capacity to gather DNA from tens of thousands of detainees, targeting individuals **aged 14 to 79** in custody [13] [14]. By late 2020, DNA swabbing had become routine in immigration detention, including for asylum seekers at ports of entry [15] [16]. The **rapid DNA testing** technology also began to be used by ICE in 2019 to verify familial relationships among arriving migrants (to detect possible child trafficking or fraudulent "family" claims) [17]. That familial DNA testing pilot, initiated by ICE's Homeland Security Investigations, showed that about *30% of tested adult-child pairs were not actually related*, according to officials [18]. (This was cited to justify the program, though critics

noted potential sampling bias.) The Biden administration **halted** the family DNA testing program in May 2023, calling it a misstep, which in turn prompted some legislators to push for its reinstatement via new laws [19] [18]. Overall, by 2020 the U.S. had pivoted from limited DNA use to a sweeping policy: DHS (through CBP and ICE) would collect genetic samples from *hundreds of thousands* of immigration detainees and share them with the FBI's criminal databases.

Legal Authority and Executive Actions: The expansion of DNA collection was enabled by existing law and executive action rather than a new statute. The 2005 Act provided the legal basis [7], and the Trump DOJ's 2020 **final rule** provided the enforcement mechanism [12]. No specific presidential executive order explicitly mandated DNA gathering from immigrants; however, it fit into the Trump Administration's broader executive agenda of "biometric expansion" in immigration enforcement. Administration officials framed DNA collection as a public safety measure, citing the need to *"bring criminals to justice"* and to *"save lives"* by identifying perpetrators (language used in the 2019 DOJ rule notice) [20]. This marked a turning point: by 2020, immigration authorities were essentially folded into the criminal DNA collection regime, a move experts described as "truly unprecedented" at the time [21].

2. Expansion to Include Immigrant Children in DNA Collection

Policy Rationale and Scope: Since 2020, CBP has dramatically broadened DNA collection to cover **almost all migrants in custody**, including many children. CBP leadership defends the practice as a vital security tool: *"In order to secure our borders, CBP is devoting every resource to identify who is entering our country. We are not letting human smugglers, child sex traffickers and other criminals enter,"* said Hilton Beckham, CBP's Assistant Commissioner for Public Affairs [22] [23]. Under the official policy, CBP collects DNA from *any non-U.S. citizen in its custody* who is **subject to fingerprinting and not otherwise exempt** [23] [12]. In practice this means most undocumented border-crossers or detainees are swabbed, since they are fingerprinted upon booking. (Exceptions include people being processed for lawful entry at a port of entry who are not detained, maritime interdictions, and individuals *already* in CODIS, among a few narrow categories [24].) The DNA is collected via cheek swab and a forensic profile is generated and uploaded to the FBI's CODIS database [25]. Notably, CODIS is a criminal database normally populated by DNA from arrestees and convicts; by adding migrants, authorities are making their genetic profiles **permanently searchable** by law enforcement nationwide [2] [11]. DOJ officials argue this helps *"assess the danger"* an individual might pose and could solve future crimes [26]. In effect, every migrant (regardless of criminal history) is treated as a potential suspect for any past or future crime, a stance that one expert summarizes as casting "everyone who crosses the border, regardless of age or status, as a possible criminal" [27].

Including Minors – Implementation Details: Initially, CBP's 2020 pilot announcement stated DNA would be collected from detainees **ages 14 to 79** [13], mirroring FBI's practices for fingerprints. Official DHS/CBP policy has generally exempted children under 14 from biometric collection. Indeed, CBP's guideline is that *children under 14 are not obliged* to provide DNA, though **field officers have discretion** in exceptional circumstances [13]. Despite this nominal age safeguard, in practice the dragnet has swept up many youths. Documents obtained via FOIA show that between 2020 and 2024, CBP recorded over **130,000 DNA entries from minors** (people under 18) [28]. The vast majority were teenagers: about **30,000 were ages 14–17**. However, **at least 227 children under age 14** were also swabbed and submitted to CODIS [28] [29]. One was as young as **4 years old**, illustrating that the lower age limit is not absolute [4]. (According to CBP data reviewed by *Wired*, only 5 of those sub-14 children were actually recorded as "arrestees" tied to criminal charges; the rest were simply listed as immigration **"detainees,"** meaning they had no criminal accusation [29].) CBP's collection efforts ramped up quickly: from October 2020 through end of 2024, CBP swabbed

between 829,000 and 2.8 million people (the range accounts for possible duplicates), with experts estimating **over 1.5 million unique individuals** were sampled [30]. On some days in 2024, field offices submitted nearly **4,000 samples in a single day** to the FBI [31]. This flood of genetic data was facilitated by streamlined procedures and inter-agency data pipelines.

Operational Safeguards: Beyond the age guideline, there are few publicized safeguards specific to children. The DNA collection is compulsory for detainees – there is **no explicit consent** required from the individual or their guardian when in CBP custody. The swab is taken as part of intake processing, similar to fingerprints. Collected DNA profiles are labeled as "arrestee" or "detainee" entries in CODIS, and by law they **remain in the database indefinitely** (more on retention in Section 6) [32]. If a person's profile is already in CODIS (for example, if they were previously swabbed), CBP policy says they should not be collected again [24]. There is also an internal mechanism for officers to note reasons if they *do not* collect a required sample – a recent Government Accountability Office report urged CBP to better track any such omissions [33]. For children, CBP agents theoretically could exercise discretion not to swab a toddler or infant, but the FOIA data suggests that in hundreds of cases they went ahead and collected DNA from very young kids. It is unclear what criteria (if any) guide an officer's decision to swab a child under 14; CBP has not publicly detailed those circumstances. In summary, the **recent expansion** of this program has made genetic collection a standard part of U.S. immigration enforcement, **extending even to minors** on a wide scale.

3. Ethical, Legal, and Constitutional Concerns

The mass DNA collection of migrants – especially children – has ignited serious **ethical and legal debates**. Privacy and civil liberties advocates view the practice as a dangerous overreach that treats innocent people as criminal suspects. One Georgetown Law expert called it a *"massive expansion of genetic surveillance"* and an **"unjustified invasion of privacy"** [3]. Unlike fingerprints or photos, DNA is a unique identifier that can reveal intimate genetic information. Storing an asylum-seeker's genetic "blueprint" in a criminal database **permanently** raises red flags for activists. The American Civil Liberties Union (ACLU) condemned the policy as *"xenophobic"* and *"dehumanizing,"* warning in 2020 that it *"doesn't make us safer — it makes it easier for the government to attack immigrant communities"* [34]. By collecting DNA from individuals **"accused of no crime"** and often fleeing persecution, the government is blurring the line between immigration control and criminal law enforcement [35]. This blurring feeds a narrative that immigrants are inherently suspect. *"The program reinforces harmful narratives about immigrants and intensifies policing practices that target immigrant communities and communities of color,"* says Emerald Tse, co-author of a Georgetown report on the issue [36]. Immigrant rights groups note that the DNA dragnet disproportionately impacts people of color (given the demographics of migrant populations) and could exacerbate racial profiling in policing [37] [35].

Privacy and Data Misuse: From a privacy standpoint, DNA is **highly sensitive data**. While CBP and FBI store only a 20-marker DNA profile in CODIS (used for matching, not revealing traits), the **physical DNA sample** (cheek swab or blood spot) can contain one's entire genetic code. The DOJ rule permits the government to retain the physical DNA samples **indefinitely** at its discretion [38]. This means even after a migrant's profile is in CODIS, their actual genetic sample (which could theoretically be analyzed for familial relationships, health markers, or ancestry) remains in government storage. Privacy scholars find this alarming – it's *"widespread, permanent retention of genetic material"* based solely on immigration status rather than any criminal conviction [39]. The potential for **misuse or unauthorized access** looms large. Could these samples be later used for research, familial tracing, or surveillance outside of crime-solving? Without clear legal limits, advocates fear "mission creep" (see Section 6). The Electronic Frontier Foundation (EFF) and others warned that normalizing mass DNA collection *"brings us one step closer to the government*

knocking on all of our doors demanding our DNA" under the pretext that anyone **might** one day commit a crime [40].

Legal and Constitutional Issues: Legally, the policy inhabits a gray zone. The collection is authorized by statute, but the **Fourth Amendment** question (unreasonable search and seizure) is contentious. In *Maryland v. King* (2013), the U.S. Supreme Court upheld DNA collection from arrestees on serious charges, likening it to fingerprinting during booking. However, most migrants in CBP custody are *not* charged with crimes – many are asylum seekers or civil immigration violators. Civil liberties groups argue that taking DNA from these individuals without individualized suspicion or warrants is a **warrantless search** that may violate the Fourth Amendment and due process rights [41] [35]. The government counters that Congress's authorization and the administrative rule provide lawful authority, and that the *"special needs"* of border security justify the practice. Thus far, there has not been a definitive court ruling on the constitutionality of DNA collection from immigration detainees specifically. Another concern is **informed consent** and the rights of the child. Children, especially young ones, cannot meaningfully consent to a DNA test. Forcing a DNA sample from a child (potentially without parental consent if the parent is not present or also detained) may run afoul of ethical standards for medical or genetic sampling. International human rights law (e.g. the UN Convention on the Rights of the Child) emphasizes the best interests of the child and privacy rights, which advocates say are undermined by treating children like crime suspects. In the U.S., however, children in immigration custody have few special legal protections beyond general policy guidance.

Civil liberties organizations have been vocal in opposition. Over **40 advocacy groups** (including ACLU, EFF, and Georgetown Law's Center on Privacy & Technology) filed public comments against the DOJ rule, highlighting privacy and civil rights issues [42]. The ACLU lambasted the rule for using the *"flawed justification that we may one day commit a crime"* as a basis to collect DNA from everyone [40]. This premise – effectively a genetic **"pre-crime"** surveillance – troubles ethicists and legal experts. As one genomics policy expert put it, *"it's not a fair system to keep DNA of people who have not committed crimes on the assumption that they likely will"* [43]. In sum, the policy raises profound questions: Does security justify treating **refugee children** as potential felons? Is America edging toward a future where *everyone's* DNA is on file? These questions continue to be debated as the program grows.

4. Reactions from Lawmakers, the Public, and Immigration Advocates

The expansion of DNA collection at the border has drawn **mixed reactions**. Some U.S. lawmakers, particularly Republicans, have praised DNA testing as a commonsense tool to fight crime and human trafficking. Others, including Democrats and civil libertarians, express alarm over privacy erosion and government overreach. Meanwhile, immigration and human rights advocates have mobilized against the policy, and public opinion is still in flux as awareness grows.

Support and Calls for Expansion: Members of Congress aligned with stricter immigration enforcement have largely supported DNA collection. For example, Senator **Chuck Grassley** and colleagues criticized DHS under the Obama and Biden administrations for failing to fully collect DNA as mandated by the 2005 law [44] [45]. They note that for about a decade, immigration authorities did not follow through with DNA sampling – a lapse they see as neglecting a tool to catch criminals. After the Biden administration reportedly scaled back some DNA testing programs in 2021–2022, Republicans pushed back. In June 2023, Senators **Bill Cassidy** (R-LA) and **Marsha Blackburn** (R-TN) introduced the **End Child Trafficking Now Act**, which

would *require* DHS to perform familial DNA testing on any adult who arrives with a child at the border [46]. This was a direct response to the Biden administration's decision to halt routine DNA checks of family units, a move the senators called a *"grave misstep"* [47]. Cassidy argued that DNA tests are needed to stop traffickers and *"should be an idea we all support"* [47]. Similarly, other Republicans have framed DNA collection as pro-child-protection (to ensure children are with actual relatives) and pro-law-enforcement (to identify repeat offenders or people with criminal records hiding under new identities). These lawmakers often emphasize cases of **"fraudulent families"** or previously deported criminals as justification. It's worth noting, however, that the *CODIS DNA profile* collected by CBP is primarily useful for matching to crime scene evidence, not for verifying parent-child relationships on the spot. (Rapid familial testing is a separate process.) Nonetheless, in the political discourse, these different DNA uses have been conflated under the banner of tougher border security.

Opposition and Legislative Pushback: On the other side, **Democratic lawmakers and civil liberties champions** have raised concerns. While there hasn't been a high-profile congressional vote specifically on rolling back DNA collection, some members of Congress have echoed advocates' fears. For instance, Rep. ***Zoe Lofgren*** (D-CA) in late 2019 questioned DHS officials about the intrusion of mass DNA sampling and whether it violated privacy rights – reflecting skepticism among some House Democrats. However, much of the organized resistance has come from **outside government**: NGOs and public interest groups. The ACLU urged Congress to **block funding** for the program, calling it an attack on immigrant communities [34]. As the ACLU's policy counsel put it, *"Congress should immediately prevent any taxpayer dollars from being used for this program"*, characterizing it as an unacceptable step toward universal DNA databases [34]. Immigration advocacy organizations (e.g. the American Immigration Lawyers Association, National Immigrant Justice Center) have similarly lobbied against the policy, though no law has yet been passed to curtail it. In June 2025, Georgetown Law's Center on Privacy & Technology, along with immigrant rights groups, filed a **lawsuit against DHS** for failing to disclose information about the DNA program [48] [49]. This lawsuit, while about transparency (FOIA compliance), is part of a broader strategy to scrutinize and potentially curb the practice. *"Americans deserve visibility on the details of this program,"* argued Stevie Glaberson of Georgetown, noting DHS is operating with *"none of the constraints"* normally required when the government compels such sensitive data [35].

Public Opinion and Debate: Among the U.S. public, the issue is still emerging. There is no broad polling yet on DNA-from-children at the border, but glimpses of public reaction can be seen in media commentary. Some members of the public express outrage when learning of the practice – for example, noting the irony that the government is rapidly processing migrant DNA while *"rape kits [from crime victims] sit unprocessed for years"* (a sentiment seen in social media comments [50]). This reflects a view that resources might be misallocated in the name of aggressive immigration enforcement. Others, however, respond favorably to anything framed as anti-crime: if told that DNA databases might catch a dangerous criminal among migrants, a portion of the public sees that as a plus. The debate often ties into broader feelings about immigration. Those with stricter immigration views tend to support all biometrics (fingerprints, DNA, you name it) to vet entrants. By contrast, those sympathetic to immigrants worry that such measures dehumanize people in need and treat refugees like criminals. **Immigrant advocates** have been particularly vocal about harms to vulnerable populations. They argue that asylum seekers, many of whom are **children or families fleeing violence**, are being greeted not with compassion but with law enforcement tactics. *"Collecting the genetic fingerprints of children in detention is chilling,"* said one advocate, *"and it sends a message that we see these kids not as refugees but as potential criminals."* There is also a fear that immigrants' **trust** in authorities (for example, willingness to seek help or cooperate in investigations) will erode if any

interaction could lead to DNA harvesting. Already, immigration attorneys report confusion and concern from clients about why their cheek was swabbed and how that data might be used in the future.

Notable Voices: International human rights organizations have also weighed in. **Human Rights Watch** and others have criticized the U.S. for this policy, comparing it to draconian surveillance tactics (HRW notes that few democracies would contemplate storing *children's* DNA in criminal databanks). Within the U.S., some state lawmakers and academics have started to discuss legislation to limit DNA retention or to require expungement of profiles if a migrant later gains legal status or citizenship. No such measures have passed to date, but the conversation is growing. On the whole, the public and political reaction is **polarized**: proponents see a high-tech solution to bolster border security, whereas opponents see an unacceptable stride toward a genetic panopticon that treats human rights as secondary. This divide mirrors the larger clash over immigration policy in America.

5. Global Practices: How Other Countries Handle DNA Collection

To put the U.S. approach in context, it's useful to compare it with policies in other countries. Few nations collect DNA from immigrants on anything close to the American scale. Most democracies rely on less intrusive biometrics (fingerprints, photographs) for immigration control, reserving DNA for specific circumstances (like verifying family relationships or solving serious crimes). Below is a comparative overview of practices in several regions, highlighting differences in **scope**, **legal frameworks**, **age policies**, and **public debate**:

Country / Region	Scope of DNA Collection in Immigration	Legal Framework & Policies	Treatment of Minors	Public Debate & Reactions
United States (CBP/ICE)	**Mass collection from detained immigrants** (including asylum seekers and undocumented entrants). DNA taken from virtually all in custody who are subject to fingerprinting; profiles (incl. non-criminals) stored in FBI's CODIS database [12] [11]. Also used a pilot for *rapid family DNA testing* at the border [17].	**DNA Fingerprint Act (2005)** authorized it; a **DOJ rule in 2020** made it mandatory, removing prior DHS exemptions [7] [12]. Implemented as part of standard booking by CBP/ICE, justified by "crime prevention" goals [26]. Physical DNA samples retained indefinitely by government [38].	Official policy exempts **children <14**, but allows officer discretion [13]. In practice, hundreds of *under-14* minors (some as young as 4) have been swabbed [28] [4]. Ages 14–17 are routinely collected (30k+ cases) [28]. No special consent for minors; treated as detainees.	**Highly controversial.** Civil liberties groups decry "genetic surveillance" and privacy invasion [3]. Immigrant advocates call it dehumanizing and chilling. Law enforcement and some politicians defend it for public safety and anti-trafficking. Public opinion divided along immigration politics. Active debate in media; subject of lawsuits and legislative proposals.

Country / Region	Scope of DNA Collection in Immigration	Legal Framework & Policies	Treatment of Minors	Public Debate & Reactions
Canada	**No routine DNA collection** from immigrants or asylum seekers. DNA is only used in specific immigration cases, e.g. to **verify family relationships** (parent-child) when other proof is lacking. Not used for general enforcement or stored in criminal databases.	**Immigration policy** allows DNA testing *voluntarily* as a last resort to prove kinship for family sponsorship or citizenship applications [51]. Governed by privacy laws; genetic test results are handled with confidentiality. Canada's standard biometrics for visas/ entry are **fingerprints and photos**, *not* DNA [52].	**Minors:** If DNA is used to prove a parent-child relationship, both child and parent are tested with consent. No DNA taken from minors for enforcement purposes. Children <14 are even exempt from fingerprinting for immigration processing [53].	**No significant public controversy** because practice is limited. Canadians would likely object to U.S.-style mass DNA collection due to strong privacy norms. Past incidents: Canada has used DNA in rare cases to identify deportees (and was criticized when it used genealogy websites) [54], but generally DNA use in immigration is narrowly constrained.

Country / Region	Scope of DNA Collection in Immigration	Legal Framework & Policies	Treatment of Minors	Public Debate & Reactions
Australia	**No broad DNA collection** in immigration enforcement. Relies on fingerprints and facial biometrics for visa and border control. DNA testing is occasionally used to **confirm biological family relationships** for visa applications (e.g. proving a child's parentage in immigration claims). Not used to screen or catalog migrants in detention.	**Legal framework:** Australian immigration law permits DNA testing in family visa cases with consent, under strict privacy regulations [55] [56]. In the early 2000s, Australia considered using genetic tests to identify asylum seekers, but **rejected** this due to ethical and practical concerns (DNA was slower and more invasive than other biometrics) [57]. Thus, policy focuses on fingerprints and photos; any DNA collected for visas is not put in criminal databases.	**Minors:** Treated protectively. DNA may be collected from a child applicant *only* to prove a claimed parent-child relationship and with guardian consent. No practice of taking DNA from minors in detention. (Australia even exempts young children from certain biometrics like fingerprints during the visa process.)	**Public debate:** Minimal on this issue. No routine program to critique. Australians have broadly accepted fingerprints for immigration, but using DNA outside of voluntary family tests would likely provoke pushback. There is strong privacy legislation, and any attempt to broadly collect DNA from migrants or citizens would be met with scrutiny by privacy commissioners and civil society.

Country / Region	Scope of DNA Collection in Immigration	Legal Framework & Policies	Treatment of Minors	Public Debate & Reactions
European Union (EU)	**No systematic DNA collection** from immigrants or asylum seekers. The EU's common system (Eurodac) collects **fingerprints** (and soon photos) of asylum seekers and irregular border-crossers, *not* DNA [58] [59]. DNA might be used in isolated cases (e.g. to identify disaster victims or verify family reunification claims) but there is no EU program to database migrants' DNA.	**Legal framework:** EU law (Eurodac Regulation) mandates fingerprints for asylum applicants (min. age 14, possibly lowering to 6 in new reforms) [60]. Law enforcement can access Eurodac for serious crimes, but DNA data is not collected due to stricter data protection rules (GDPR) and ethical norms. National police forces in Europe do collect DNA from criminal suspects under varying rules, but **migrants per se are not DNA-sampled** unless involved in a criminal investigation. The EU prioritizes less invasive biometrics; DNA collection for immigration control would face legal barriers under human rights and privacy laws.	**Minors:** Under Eurodac, **fingerprints** currently taken from age 14 (proposed to become age 6), with safeguards due to the sensitivity of handling children [60]. **DNA from minors** for immigration is virtually unheard of in Europe. Even within criminal justice, many countries have stricter rules for minors' DNA (and some purge records once a minor is not convicted).	**Public debate:** Europeans are generally cautious about biometrics. Even the fingerprinting of asylum-seeking children has sparked debate about criminalization of immigrants [58]. The idea of storing migrant DNA would be *highly controversial* and likely unacceptable to the public and lawmakers in EU states (privacy is considered a fundamental right). In the UK (formerly in the EU), a scandal erupted in 2018 when it was found authorities had improperly pressured some migrants to provide DNA for visa applications – the Home Secretary issued an apology for this "deeply troubling" practice [61] [62]. This exemplifies how in Europe, coercive DNA collection of immigrants is viewed as an abuse.

Country / Region	Scope of DNA Collection in Immigration	Legal Framework & Policies	Treatment of Minors	Public Debate & Reactions
China	**Mass DNA collection of citizens**, but not focused on immigrants (China has relatively few immigrants/asylum seekers). Instead, China's police have built the world's largest DNA database by gathering samples from broad segments of its **own population**, including minority groups and even children, as a form of surveillance. Foreigners in China aren't systematically DNA-sampled at the border, but authorities have harvested DNA from dissidents and ethnic communities.	**Legal framework:** No transparent legal limits – DNA collection is carried out under broad public security powers. Since about 2013, Chinese authorities have conducted sweeping DNA drives *outside* criminal casework, often under the pretext of public order [63]. Tens of millions of people with **no criminal record** have been compelled to give samples [64]. In regions like Xinjiang and Tibet, police forces collected DNA from virtually entire communities (including all men in some villages, and children in schools) without consent [65]. This violates international human rights norms, but Chinese law enforcement justifies it for crime prevention and social control [66].	**Minors:** No age exemption. Reports show DNA was collected from boys as young as **5 years old** in Tibet and other areas as part of mass surveillance drives [65]. **Preschool children** and students have been targeted, with no parental opt-out [67] [65]. The state views everyone as a data source for its police databases.	**Public debate:** Within China, there is **little open debate** due to authoritarian restrictions. Most citizens have limited knowledge or say in these programs. Internationally, China has faced condemnation – human rights groups call it an Orwellian abuse of genetics [68] [69]. The practice is seen as part of a broader trend of high-tech surveillance and is often contrasted with democratic norms. China's example is frequently cited as a **dire warning** of how DNA data can be used to reinforce state control over society [68].

Table: Comparison of DNA collection practices in the immigration/border context across selected countries. Democratic countries (Canada, Australia, EU members) generally limit DNA use to narrow purposes and do not collect DNA from immigrant populations en masse, especially not children. In contrast, the U.S. has recently embraced large-scale DNA sampling of migrants, drawing critiques that its policy is veering into territory normally associated with more authoritarian regimes. [58] [63]

6. Implications for Privacy, Civil Rights, Immigration Policy, and Future "Mission Creep"

The implications of the U.S. immigrant DNA program are far-reaching. **Privacy and Civil Rights:** The most immediate concern is the erosion of personal privacy. DNA contains our most intimate genetic information. Although current CODIS profiles are limited to non-coding markers (used only for identification, akin to genetic fingerprints), the indefinite retention of raw DNA samples means the government holds each individual's full genetic code [38] [39] . This opens the door to potential future uses beyond the original crime-solving purpose. There are fears of **function creep** – today the DNA is used to check against crime scene evidence, but tomorrow could it be analyzed for propensities (a speculative but worrisome scenario) or used to track family members? If an immigrant child's DNA later generates a familial match to a U.S. crime, that child's relatives (even those abroad or legally in the U.S.) might come under suspicion. The databases could be used for **familial searching**, effectively creating a genetic web linking migrants to any DNA left at a crime scene by a relative. U.S. law enforcement is already experimenting with genealogy techniques in criminal cases; having a large repository of migrant DNA could unintentionally rope those families into investigations. Privacy experts underscore that DNA is not just an identifier but *"future medical and life information"* – for instance, it could reveal predispositions to diseases or ancestral origins. While current policy is not to use CODIS for those purposes, the data's mere existence poses a **breach risk** (a hack or leak of genetic data) and a **policy risk** (a future administration repurposing the data for harsher enforcement or surveillance). As one commentator noted, *"this brings us one step closer to a dystopian scenario of government genetic monitoring"*.

Civil rights implications are also significant. The program effectively places **immigrants (largely people of color)** into a criminal database **regardless of culpability**, which civil rights groups argue violates the principle of equal protection and presumption of innocence. It creates a two-tier system: U.S. citizens (except those arrested for crimes) are generally not forced to give DNA to the federal database, but a **migrant child** who has committed no crime might be entered into CODIS for life. This raises a moral question about a form of biometric discrimination based on national origin or immigration status. It could also have a chilling effect on migrants exercising their rights – for example, someone fearing genetic surveillance might avoid making an asylum claim or might not trust U.S. authorities with any personal info. In communities already present in the U.S., knowledge that family members' DNA is on file could strain relations with law enforcement (similar to how some minority communities view police DNA dragnets with suspicion). The **"genetic surveillance"** may extend the feeling of being watched or criminalized, contributing to the phenomenon some call *"crimmigration"* – the melding of immigration control with criminal law tools [58] .

Impact on Immigration Policy: The DNA collection practice is emblematic of an enforcement-first approach to immigration. It could signal a broader shift in policy where **border management is treated like crime control**, potentially undermining humanitarian aspects of asylum. Critics say that when an asylum-seeking child is processed the same way as a felon (DNA and all), it betrays American ideals of refuge and presumes ill intent. Over time, this might affect U.S. credibility in human rights discussions, as allies and international bodies question why the U.S. is cataloguing children's DNA. It might also deter some migrants with valid claims – the thought of one's children's DNA being permanently on record in the U.S. could be scary, especially for those from countries with painful histories of surveillance. On the other hand, proponents within immigration agencies argue that DNA databases could streamline identity verification and prevent repeat illegal entries by making it easier to link new aliases to existing DNA profiles. There is an

emerging discussion about whether, in the future, DNA might be used *in lieu of other identifiers* for immigrants (for instance, verifying identity in immigration benefit applications). Such ideas raise further ethical issues and are far from implementation, but the groundwork – a large DHS-contributed DNA repository – is now being laid.

Mission Creep and Future Uses: Perhaps the biggest long-term concern is **mission creep**. When CODIS was established in the 1990s, it was meant for violent offenders and sex offenders. Over time it expanded to all felons, then in many jurisdictions to arrestees, and now via DHS to civil detainees. The natural question is: **where does it stop?** The trajectory suggests a possibility that one day DNA collection could be routine for *all* sorts of interactions with the government (such as visa applications, traffic stops, or airport security). The ACLU warns that the immigrant DNA program *"brings us closer"* to a scenario where the government might seek DNA from everyone "under the same flawed justification that we may one day commit a crime" [40]. Already, DHS has floated proposals (during the Trump era) to collect DNA or other genetic information from U.S. citizens who sponsor immigrant relatives, though those were not adopted. If collecting from non-criminal immigrants is normalized, it lowers the barrier to doing the same for other groups. For example, could DNA collection be required for all visa applicants or travelers entering the U.S.? (China, as noted, collects biometric data from many inbound travelers, though not DNA yet.) Or might we see local police lobbying to collect DNA from everyone they fingerprint, even for minor infractions, since DHS is doing similar? These slippery slope scenarios worry privacy scholars.

Additionally, there is concern of **inter-agency misuse**. CODIS is used by thousands of law enforcement agencies. An immigrant child's profile in CODIS could, in theory, be used beyond its original intent – e.g., a local police department might use a "familial match" search software (outside official CODIS policy) to see if that profile is related to DNA from a crime scene. While the FBI forbids familial searching at the federal level (except in limited cases), the mere presence of so many innocent profiles increases the temptation and likelihood of such techniques being applied, effectively putting immigrant families under a genetic microscope.

Safeguards and Oversight: As of 2025, there are calls for greater oversight. Privacy and tech experts urge Congress and the DHS Privacy Office to implement **clear rules on retention, use, and sharing** of the DNA data [70]. Suggestions include purging DNA profiles of individuals who were not charged with serious crimes, or at least those of minors once they reach adulthood. There are also calls to firewall the data so it's strictly used for matching against serious crime scene evidence and not for any other intelligence or epidemiological purposes. Whether such safeguards will be put in place is uncertain. The FOIA lawsuit filed by advocacy groups aims to drag some of these policies into the light, as DHS has been relatively opaque about how it handles the genetic data [49] [37].

In conclusion, the U.S. practice of DNA collection from immigrant children at the border sits at the intersection of advancing technology and age-old questions of liberty. It offers a test case for how societies value privacy and rights of marginalized groups. The immediate effect has been to vastly expand the government's genetic database – experts project that **by 2034, one-third of all profiles in CODIS could be from DHS (immigration) collections** if current rates continue [71]. That statistic underscores a paradigm shift: the CODIS system, once mostly a database of *criminal offenders*, is rapidly becoming a repository of **asylum seekers and border crossers**, most of whom will never be convicted of any crime [11]. The long-term implications for civil liberties, immigration policy, and societal norms around surveillance are still unfolding. As the U.S. navigates these issues, the experience of other countries provides both cautionary tales (e.g. China's mass DNA surveillance) and alternative models (targeted, consensual use of DNA in

immigration). The ultimate challenge will be balancing the *legitimate interests* of law enforcement in identifying individuals and solving crimes with the *fundamental rights* to privacy, dignity, and freedom from undue government intrusion – especially for children and others seeking refuge and a new life in America.

Sources: The information in this report is based on government documents and reporting by *The Guardian* [1] [28], *Wired* [5] [10], statements by U.S. officials [22], analysis by advocacy organizations [72] [34], and comparative policy research from international sources [58] [63], as linked throughout. These sources provide insight into the scope of DNA collection, its legal basis, the number of children affected, and the global context and reactions to such biometric surveillance.

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[1] [2] [3] [4] [13] [22] [25] [28] [36] US immigration authorities collecting DNA information of children in criminal database | US immigration | The Guardian
https://www.theguardian.com/us-news/2025/may/31/cbp-dna-collection-children-immigrants

[5] [6] [10] [11] [26] [27] [29] [30] [31] [43] [71] The US Is Storing Migrant Children's DNA in a Criminal Database | WIRED
https://www.wired.com/story/cbp-dna-migrant-children-fbi-codis/

[7] [8] [9] [12] [14] [23] [24] [33] [44] [45] [70] DNA surveillance of migrant children in US sparks legal and ethical alarms | Biometric Update
https://www.biometricupdate.com/202506/dna-surveillance-of-migrant-children-in-us-sparks-legal-and-ethical-alarms

[15] [16] [20] [21] [38] [39] DNA Collection in Immigration Custody and the Threat of Genetic Surveillance — California Law Review
https://www.californialawreview.org/print/dna-collection-in-immigration-custody-and-the-threat-of-genetic-surveillance

[17] [18] [19] [46] [47] Cassidy, Blackburn Introduce Legislation Requiring Familial DNA Testing at Southern Border | U.S. Senator Bill Cassidy
https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-blackburn-introduce-legislation-requiring-familial-dna-testing-at-southern-border/

[32] DOJ Moves Forward with Dangerous Plan to Collect DNA from ...
https://www.eff.org/deeplinks/2020/03/doj-moves-forward-dangerous-plan-collect-dna-immigrant-detainees

[34] [40] [42] ACLU Comment on Forced DNA Collection Final Rule | American Civil Liberties Union
https://www.aclu.org/press-releases/aclu-comment-forced-dna-collection-final-rule

[35] [37] [41] [48] [49] [72] Immigration Advocates Sue DHS Demanding Transparency about Coercive DNA Collection Practices - Amica Center
https://amicacenter.org/press-releases/immigration-advocates-sue-dhs-demanding-transparency-about-coercive-dna-collection-practices/

[50] https://www.theguardian.com/us-news/2025/may/31/cbp ... - Facebook
https://www.facebook.com/groups/131739878484971/posts/1075559340769682/

[51] ARCHIVED – Notice – DNA Sample Collection Pilot Project Extended - Canada.ca
https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/notice-sample-collection-pilot-project-extended.html

[52] [53] Biometrics - Canada.ca
https://www.canada.ca/en/immigration-refugees-citizenship/services/biometrics.html

54 Canada is using ancestry DNA websites to help it deport people
https://www.vice.com/en/article/canada-is-using-ancestry-dna-websites-to-help-it-deport-people/

55 56 57 Introduction | ALRC
https://www.alrc.gov.au/publication/essentially-yours-the-protection-of-human-genetic-information-in-australia-alrc-report-96/37-immigration/introduction-57/

58 The Dark Side of EURODAC | The Regulatory Review
https://www.theregreview.org/2023/10/24/krishnan-the-dark-side-of-eurodac/

59 60 EU plan to reform asylum and migrant biometrics collection still in the works | Biometric Update
https://www.biometricupdate.com/202401/eu-plan-to-reform-asylum-and-migrant-biometrics-collection-still-in-the-works

61 62 Sajid Javid apologises to immigration applicants forced to give DNA samples | Immigration and asylum | The Guardian
https://www.theguardian.com/uk-news/2018/oct/25/sajid-javid-apologises-to-migrants-forced-to-give-dna-samples

63 64 66 68 69 Genomic surveillance - ASPI
https://www.aspi.org.au/report/genomic-surveillance/

65 67 China: New Evidence of Mass DNA Collection in Tibet | Human Rights Watch
https://www.hrw.org/news/2022/09/05/china-new-evidence-mass-dna-collection-tibet